

REMARKS

By this Amendment After Final, Applicants propose amending claims 1 and 12.

No new matter has been added. Claims 1-6 and 12 are pending on the merits.

In the Final Office Action, the Examiner rejected claims 1-6 and 12 under 35 U.S.C. § 112, first paragraph; and rejected claims 1-6 and 12 under 35 U.S.C. § 112, second paragraph. Applicants have proposed amending claim 1, thereby obviating the § 112, first and second paragraph rejections, as will be explained in more detail below.

In the § 112, first paragraph claim rejection statement, the Examiner asserts that “the limitation of ‘the lengths of individual etching times and individual film formation times adjusted **to be increased relative to the length of etching time**’ is not described in the specification, whereas the specification describes that the lengths of the individual film formation times may be increased/extended as the etching process progresses by lowering the length for the etching step but does not disclose the length of the individual etching and deposition times are increased in relation to an etching time. . . .” Final Office Action at 2-3 (emphasis in original). Applicants have proposed amending claim 1 to recite, in pertinent part, “with the film formation time being increased relative to the length of etching time as the etching process progresses,” thereby obviating the rejection under § 112, first paragraph. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-6 and 12 under 35 U.S.C. § 112, first paragraph.

In the § 112, second paragraph claim rejection statement, the Examiner asserts that “the phrase ‘the lengths of the individual etching times and individual’ renders the claim indefinite because it is unclear whether the lengths of the individual etching times

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and individual film formation times are adjusted to increase in relation to a previous etching step or a predetermined etching time." Final Office Action at 3. Applicants have proposed amending claim 1 so that it no longer recites "the lengths of the individual etching times and individual," thereby obviating the § 112, second paragraph rejection. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-6 and 12 under 35 U.S.C. § 112, second paragraph.

Accordingly, Applicants submit that independent claim 1, amended as proposed, is allowable. Furthermore, Applicants submit that claims 2-6 and 12 are allowable by virtue of their dependency on claim 1 as well by their additional recitations of novel and non-obvious subject matter. Therefore claims 1-6 and 12 should be allowable.

Applicants respectfully request reconsideration and reexamination of this application, and timely allowance of the pending claims.

If the Examiner believes that a telephone conversation might advance prosecution, the Examiner is cordially invited to call Applicants' representative at 571-203-2739.

Applicants respectfully request that this Amendment After Final under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-6 and 12 in condition for allowance. Applicants respectfully submit that the proposed amendments to claims 1 and 12 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their claimed relationships were either earlier claimed or inherent in the claim as examined. Therefore, this Amendment After Final should allow for immediate action by the Examiner. It is also respectfully

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submitted that entering the proposed amendment would allow Applicants to reply to the Final Office Action rejections and place the application in condition for allowance.

Finally, Applicants respectfully submit that entering the proposed amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants respectfully submit that this application's claims, amended as proposed, are neither anticipated nor rendered obvious in view of the prior art references cited in this application. Applicants therefore respectfully request the entry of the proposed amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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